

BOOK REVIEWS.

A Treatise on the American Law of Real Property. By Emory Washburn, LL.D., Bussey Professor of Law in Harvard University. Sixth edition by John Wurts, M.A., LL.B., Professor of the Law of Real Property in the Yale Law School. Boston: Little, Brown, & Co., 1902.

Governor Washburn was the first to set in order the land law of the United States, and forty years of daily use by the American bar have made his work a classic. Of the successive editions none has undergone so thorough a recension as that which has now come from the careful hands of Professor Wurts. There were many points as to which it had become necessary, from the mere development of our jurisprudence in the ordinary course of decision, to recast statements as well as to add or omit. As to others, similar changes were called for, to secure greater clearness of expression or exactness of definition.

Professor Wurts has exercised good judgment both in what he has done and what he has refrained from doing. It is not the business of an editor to rewrite a work, although he is often under a strong temptation to do it. He must make the best of his author, and leave him so far as possible to speak for himself. Governor Washburn had not the art of always stating a proposition in the fewest terms consistent with clearness, but when he had got through stating it, his readers had themselves to blame if they did not understand him.

What land is, for instance, is the subject of one of the first sections of the book (I, Section 3). The Iowa aerolite case had, since Washburn wrote, settled a new incident of ownership. There were other material incidents which the original definition did not fully disclose. The section as it is now left by Professor Wurts is adequate and complete. Half of it remains as it was originally; and the new matter is so introduced as to make the whole orderly and harmonious.

American law since 1860 has advanced so far on lines of its own that many of the explanations of the earlier English law have now been wisely dropped. In such subjects as Dower out of Equitable Estates (e. g. Vol. I, Section 374), these omissions have left space for much more important matter. American courts are paying less and less regard to precedents which were the fruit of social or political conditions never existing in the United States. See *Greene v. Huntington*, 73 Conn., 113. Our text-writers have had a large influence in this direction, and Mr. Wurts very properly calls attention to that exerted by Mr. Gray in reference to the true scope and bearing of the Rule against Perpetuities (II, Section 1814).

Among the new sections which are particularly noticeable may be mentioned that as to Estoppel by Silence (III, Section 1898), in which the controlling rules are succinctly stated in half a page; that as to the Intention to Deceive in an estoppel *in pais* (III, Section 1901), where the conflict of authority is well explained; and that as to Trees considered with Relation to the Statute of Frauds (I, Section 16).

The chief merit of this edition, however, lies in the skilful way in which the editor, while adding a few sections that are wholly original, has so often, by a line or two deftly inserted, given that amplification or correction of the former statement that was necessary to put it in harmony with the present position of the law. The chapter on Title by Abandonment (III, Section 1888) presents a good illustration of one of the longer intercalations of this character, and the section on the ownership in separate parts of a building (I, Section 20) of one of the shorter.

S. E. B.

A Treatise on International Public Law. By Hannis Taylor, LL.D. Callaghan & Company, Chicago, 1901. pp. 912.

In this work Mr. Taylor has rendered an invaluable public service. International Public Law is and always has been a subject of much difficulty and complexity, and consequently we are rarely favored with such a completeness and comprehensiveness of treatment as is shown in this volume.

This book deals with its subject in its various phases and stages from its earliest beginnings down to the end of the last century. The Greeks are shown to have been not unacquainted with the modern "balance of power" system. Among the Romans the idea that sovereign states had rights and duties as between themselves grew and developed, it thus being brought about that Roman jurisprudence was really the basis of international law. During medieval times the Pope or the Head of the Holy Roman Empire was recognized as the fountain source of international law, as the arbitrator of all questions arising between the sovereign states of Europe. As the power of the Pope gradually declined and the Holy Roman Empire lost its prestige, a certain system or code of International Public Law became essential. The treaties of the seventeenth and eighteenth centuries laid the foundations of public law, and this was later amplified and modernized by the Declaration of Paris, the Convention of Geneva, and finally by the International Peace Conference of 1899, at the Hague.

The development of the Monroe Doctrine is very clearly brought out, from its promulgation by President Monroe to its final interpretation by President Cleveland. Another interesting feature is the appendix, which contains a brief comment on the recent insular tariff cases.

The work is very completely indexed and its subdivision into parts and chapters is thorough and systematic. Its principal divisions are: "Rights and Duties of States in Time of Peace;" "Rights and Duties of States in Time of War;" and "Duties of Neutral States."

C. W. B.

Legal Ethics. By George W. Warvelle, LL.D., Callaghan & Co., Chicago. 1902. pp. 234.

This book is founded upon a number of lectures, in a summarized form, delivered at different times by the author. The work is not in its nature a theoretical discussion, but a presentation of certain established principles underlying the relation of a lawyer with his clients, the court, and the bar. In the words of the author, "it is simply a series of brief suggestions relative to professional conduct." As far as practicable these suggestions, or precepts, are illustrated by well chosen cases, and authorities. A feature which especially appeals to the reader is the author's treatment of the subject. Heretofore the majority of the writers on legal ethics have made certain arbitrary divisions, and then under each discussed some particular aspect of professional duty. Mr. Warvelle, however, has to a certain extent disregarded this traditional arrangement and has thereby, as it seems to us, presented the general subject in a more intelligible and attractive form. The value of the work is further enhanced by a table of the cases cited, and concludes with a very complete index.

E. T. C.

A Study of the United States Steel Corporation in its Industrial and Legal Aspects. By Horace L. Wilgus. Callaghan & Co., Chicago. Cloth, pp. 221.

This work was originally in the form of lectures delivered at the University of Michigan. In going over the book, one is at once impressed with the thoroughness with which the writer has done his work. Considerable space is devoted to the formation of the company, and then follows its industrial position, management, and legality. All these subdivisions are gone into with considerable minuteness, and many interesting tables are given.

From its legal standpoint Prof. Wilgus seems to think it within the law in some states and not so in others. He discusses the different remedies, and appears to consider that a law requiring one price for all would be one of the most effective checks upon a possible exorbitant price. There is an appendix of documents, and a table of cases cited.

O. A. D.